

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

ANNE SMITHERS and HENRY WILEY by his
mother and next friend ANNE SMITHERS

Plaintiffs,

Civil Action No. 1:18-cv-00676

- against -

Motion to Compel

FRONTIER AIRLINES INC.

Defendant.

Please take notice that the Plaintiffs in the above-styled action by their undersigned counsel hereby moves this Honorable Court pursuant to LR 37(a) for an order compelling discovery on the following issues, as further elaborated upon in Plaintiffs' accompanying Memorandum of Points and Authorities in Support of Its Motion:

1. A series of emails between customer service representatives, identified in ¶8 of Defendant's Privilege log, which involved no lawyers and transpired prior to Frontier's notification of pending litigation.
2. Documents pertaining to the litigation in possession of Menzies, who was acting as Frontier's agent and who is contractually obligated as a condition of its indemnity agreement with Frontier to cooperate with Frontier in any litigation arising from its service to Frontier.
3. Frontier completely redacted the passenger manifest (excepting the Plaintiffs' family) and has thus far refused to (or failed to) provide the identity of a passenger who debarked concurrently with Plaintiff Smithers, despite the involvement of this Court with a protective order agreed to in large part for the production of the passenger manifest information.
4. An investigative report created by Doug Hill regarding the co-pilot's alleged insobriety identified by Plaintiffs as referenced on page D-101 of Defendant's production.

LR 37(e) Statement of Counsel.

Plaintiffs' counsel hereby certifies that multiple attempts were made to resolve these discovery disputes, including a phone call between counsel on 3/19/2019, and multiple emails dated 3/21, 3/25, 3/27, 4/01, 4/02. Counsel had a final phone call on 4/4 but were unable to reach agreement on all issues.

Dated: Charlottesville, Virginia

April 5, 2019

/s/ William T. Woodrow

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Certificate of Service

I hereby certify that on the 5th day of April, 2019, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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Charlottesville, VA April 5, 2019

By: /s/ William T. Woodrow

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